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49 STIPULATION AND [PROPOSED] ORDER RE CONFIDENTIAL INFORMATION
50 Case No. CV-08-4735-CW

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSA MARTINEZ, JIMMY HOWARD,)
ROBERTA DOBBS, BRENT A.)
RODERICK, SHARON D. ROZIER, and)
JOSEPH SUTRYNOWICZ, on behalf of)
themselves and all others similarly situated,)
Plaintiffs,)
v.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

No. CV-08-4735-CW

**STIPULATION AND
ORDER RE
CONFIDENTIAL
INFORMATION**

STIPULATION AND [PROPOSED] ORDER RE CONFIDENTIAL INFORMATION
Case No. CV-08-4735-CW

1 Plaintiffs Rosa Martinez, Jimmy Howard, Roberta Dobbs, Brent A. Roderick, Sharon D. Rozier
 2 and Joseph Sutrynowicz (collectively “Plaintiffs”), and Defendant Michael J. Astrue, Commissioner,
 3 Social Security Administration (“Defendant”), by and through their undersigned counsel, hereby
 4 stipulate as follows:

5 **STIPULATED ORDER**

6 The parties agree that entry of the following protective order is necessary in order for the parties
 7 to exchange and discuss information that the Social Security Administration (“SSA”) considers to be
 8 confidential and proprietary technical information pertaining to SSA’s internal systems. The parties
 9 therefore request that the Court enter the following protective order pursuant to Federal Rule of Civil
 10 Procedure 26(c).

11 All documents (including but not limited to, email communications) exchanged between the
 12 parties that discuss technical system matters (including, but not limited to, agency systems coding/
 13 programming information) and designated as such, shall be subject to the following restrictions:

14 1. All information shall be used only for the purpose of this litigation and not for any other
 15 purpose;
 16 2. Plaintiffs’ counsel shall not disclose the information at any time (verbally or otherwise),
 17 including to the Plaintiffs or to the public. Access to the information is permitted only to the Plaintiffs’
 18 attorneys exclusively for the purpose of reviewing draft documents under the Martinez Stipulation of
 19 Settlement, and not to the Plaintiffs themselves or any other person(s). There shall be no reproduction
 20 of the information by Plaintiffs’ counsel (electronically or otherwise, this includes scanning or emailing)
 21 except for reproduction for purposes of review by Plaintiffs’ counsel. To the extent these matters need
 22 to be raised with the Court, the information shall be submitted to the Court for in camera review only,
 23 and shall not be filed with the Court or become part of the court record or public record. The Court shall
 24 return the information to SSA upon resolution of the specific issue for which the information was
 25 submitted for in camera review.

26 3. Within three (3) business days of the conclusion of the time period allotted for Plaintiffs’
 27 counsel to review and comment upon information pursuant to the terms of the Martinez Stipulation of
 28 Settlement, Plaintiffs’ counsel shall make good faith efforts (e.g., double deleting) to delete all

STIPULATION AND [PROPOSED] ORDER RE CONFIDENTIAL INFORMATION
 Case No. CV-08-4735-CW

1 electronic versions of the information (including, but not limited to, emails and pdfs). Within the same
2 three (3) business day time frame, Plaintiffs' counsel will also return any hard copies to Defendant's
3 counsel or verify in writing that the documents have been deleted or shredded. In the event that SSA
4 submits additional similar technical information to Plaintiffs' counsel for review that is substantively
5 related to a prior set of draft technical agency system/coding instructions previously submitted to
6 Plaintiffs' counsel that Plaintiffs' counsel has since deleted or returned to SSA pursuant to this
7 paragraph, SSA will provide the prior draft(s) back to Plaintiffs' counsel if requested to do so in writing
8 and if Plaintiffs' counsel provides reasoning/justification for the request. The parties shall meet and
9 confer in good faith to resolve any disputes regarding the reasoning/justification for such requests.

10 4. This Stipulation and Protective Order is without prejudice to the right of any party to seek
11 modification of it from the Court. It shall remain in effect until such time as it is modified, amended or
12 rescinded by the Court. Though this litigation has resolved, this Stipulation and Protective Order shall
13 survive this action. The Court shall have continuing jurisdiction to modify, amend, or rescind this
14 Stipulation and Protective Order notwithstanding resolution and settlement of this action.

15

16 **IT IS SO STIPULATED**

17 Dated: March 23, 2010

Respectfully Submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

19 By:

/s/
20 VICTORIA R. CARRADERO
Assistant United States Attorney

21 Attorneys for Defendant

23 Dated: March 23, 2010

By:

/s/
24 GERALD McINTYRE
Lead Attorney for Plaintiffs

25 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

27 DATED: March 25, 2010

Claudia Wilken

The Honorable Claudia Wilken
United States District Court Judge

28 STIPULATION AND [PROPOSED] ORDER RE CONFIDENTIAL INFORMATION
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